

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:09CV125-RJC-DSC  
CONSOLIDATED**

**GMAC MORTGAGE, LLC,**                     )  
   )  
   )  
   )  
   )  
**Plaintiff,**                                     )  
   )  
**v.**   )  
   )  
\_\_\_\_\_  
**FLICK MORTGAGE**                             )  
**INVESTORS, INC.,**                         )  
   )  
   )  
   )  
**Defendant.**                                 )  
\_\_\_\_\_  
   )

**MEMORANDUM AND RECOMMENDATION**

**FLICK MORTGAGE**                             )  
**INVESTORS, INC.,**                         )  
   )  
   )  
   )  
**Plaintiff,**                                     )  
   )  
**v.**   )  
   )  
\_\_\_\_\_  
**CHICAGO TITLE**                             )  
**INSURANCE COMPANY,**                    )  
   )  
   )  
   )  
**Defendant.**                                 )  
\_\_\_\_\_  
   )

**THIS MATTER** is before the Court on “Plaintiff GMAC Mortgage, LLC’s Motion for Judgment on the Pleadings” (document #21) and “ ... Memorandum of Law in Support ...” (document #22), both filed December 14, 2009. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

The Defendant Flick Mortgage Investors, Inc. has not responded to or filed a brief opposing the subject Motion, and the time for filing a response brief has expired. Moreover, Defense counsel

Mark E. Carlson has informed chambers' staff telephonically that Defendant consents to Plaintiff's Motion.

Accordingly, and having fully considered the arguments, the record, and the applicable authority, the undersigned respectfully recommends that "Plaintiff GMAC Mortgage, LLC's Motion for Judgment on the Pleadings" (document #21) be granted.

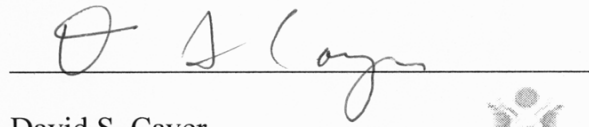
### **NOTICE OF APPEAL RIGHTS**

The parties are hereby advised that, pursuant to 28 U.S.C. §636(b)(1)©, written objections to the proposed findings of fact and conclusions of law and the recommendation contained in this Memorandum must be filed within ten (10) days after service of same. Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenour, 889 F.2d 1363, 1365 (4th Cir. 1989); United States v. Rice, 741 F. Supp. 101, 102 (W.D.N.C. 1990). Failure to file objections to this Memorandum with the District Court constitutes a waiver of the right to de novo review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997); Snyder, 889 F.2d at 1365. Moreover, failure to file timely objections will also preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Wells, 109 F.3d at 201; Page, 337 F.3d at 416 n.3; Thomas v. Arn, 474 U.S. 140, 147 (1985); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

The Clerk is directed to send copies of this Memorandum and Recommendation to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

**SO RECOMMENDED AND ORDERED.**

Signed: January 4, 2010

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

